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EXAMINER				
DOAN, PHUOC HUU				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,764

Applicant(s)

TURCANU, CALIN

Examiner

PHUOC H. DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-21 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/26/08 have been fully considered but they are not persuasive.

In response to the Applicant's remarks on pages 10-16, the claimed limitation recited "utilizing a bearer independent protocol between a server and user equipment in a transmission of a messaging service message from a sender in first system having a first structure for messages to a receiver of a second system having a second structure of the messages, said bearer independent protocol being above a bearer protocol in a protocol stack". The prior art are defined on the specification to support the claimed limitation. So, Pimentel discloses the same feature that a server and user equipment in a transmission of a messaging service message from a sender in first system having a first structure for messages to a receiver of a second system having a second structure of the messages based on the multiple integrated networks for communication between a wireless device and a back-end system "server application" and applied the protocols "inherently such as TCP/IP, WAP, SMS" to covert the message between sender and receiver which routing gateway supported the protocol for any convert format between users for different wireless network system. For example, CDMA, GSM, GPRS... etc (see

paragraph 10). Also, Pimentel discloses the same feature with the present of application that a wireless application gateway comprises an application programming interface receiving a mobile sender and receiver which controlled by formatted a routing layer selecting a protocols, and choosing a protocol using of the mobile originated message, generating a formatted mobile originated message using the protocol that exactly the same of claimed limitations (see detail paragraphs 14-18, and 33).

2. Applicant's arguments with respect to claims 1-5, 7-17, 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-11, and 13-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pimentel (US Pub No: 2003/0214970 in view of **Arques (US Pub No: 2004/0131083)**).

As to claim 1, 19, Pimentel discloses a method comprising: utilizing a particular protocol **“means for choosing a protocol using a characteristic of the mobile terminated message...”** between a server “Fig. 5, item 84” and user equipment “Fig. 5, item 24” (see paragraphs [17-17, 33]) in a transmission of a messaging service message from a sender in a first system having a first structure for messages to a receiver of a second system having a second structure for the message (see paragraphs [14-18] “a wireless application gateway comprises an application programming interface receiving a mobile sender and receiver which controlled by formatted a routing layer selecting a protocols, and choosing a protocol using of the mobile originated message, generating a formatted mobile originated message using the protocol to applied a WAP protocol, user mobile device can sent, received, and displayed the SMS messages on the mobile telephone”. However, Pimentel does not disclose to utilize a bearer independent protocol proving access to bearers.

In the same field of endeavor, Arques discloses utilize a bearer independent protocol proving access to bearers (see Fig. 1, 3, paragraphs [7, 8, 11] “independent protocol defined by protocols providing access to bearers such as UDP, TCP, protocol stacks that indicated for seven layers to support the SMS message in associated with WAP protocols as specify”). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to provide of utilizing a bearer independent protocol proving access to bearers as taught by Arques to the system of Pimentel in order to allow it's converted, or formatted a communication messages in reliable telecommunication system.

As to claim 2, Pimentel further discloses the method according to claim 1, further comprising: receiving the message having the first structure in a server comprising an application according to the bearer independent protocol (page 3, par [0031-0033]); converting the message to have a structure of the bearer independent protocol (page 3, par. [0033]), and transmitting the converted message from the server to the receiver's equipment using the bearer independent protocol (page 4, par [0036]).

As to claim 3, Pimentel further discloses the method according to claim 1, further comprising: transmitting the message from the sender's equipment to the receiver's equipment using the bearer independent protocol (page 3, par [0034-0035]).

As to claim 4, 16, 20, 21, Pimentel further discloses further comprising: if the message transmission to the receiver's equipment fails (page 3, par [0033-0035]); converting the message to have the second structure (page 3, par. [0033-0035]; and transmitting the message to the receiver's equipment in the second structure (page 3, par. [0033-0035]).

As to claim 5, Pementel further discloses receiving the message sent from the sender's equipment according to the bearer independent protocol and having a beare independent protocol structure in a server comprising an application according to the bearer independent protocol (paragraphs [38-39]); converting the received message from the bearer independent protocol structure to the second structure (paragraph [36]); and transmitting the converted message from the server to the receiver's equipment (paragraphs [30, 33]).

As to claim 6, Pimentel further discloses the method according to claim 1 further comprising: receiving the message having the bearer independent protocol structure in a server comprising an application according to the bearer independent protocol (page 3, par. [0030], [0034]); converting the message to have the second structure (page 3, par. [0031-0033]); and transmitting the converted message from

the server to the receiver's equipment (page 3, par. 0034-0035], page 4, par. [0036]).

As to claim 7, further discloses all the limitations of claim in paragraphs [34] “results of user message success or failure of an MT SM to reach the wireless device and alarms are sent from the protocol layer via a formatted”.

As to claim, 17, Pimentel further discloses all the limitations of claim in page 3, par 0034], page 4, par [0036].

As to claim 8, 18, Pimentel further discloses all the limitations of claim in page 4, par. [0041] “**employ an IP interface to provision for UDP/IP services**”.

As to claim 9, 13, Pimentel discloses a system comprising at a first system having a first structure for messaging service messages (page 1, par [0003-0010]); a second system having a second structure for the messages (page 1, par. [0010], page 2, par. [0014-0018]); and a server “Fig. 1, item 84 that indicated Backend systems 84” via which a message is transmitted from the first system to the second system “**multiple integrated networks, page 3, par [0029]**” (page 3, par [0030-

0034)); the server being configured to utilize a bearer independent protocol for transmitting the message (page 3 through page 4, par. [0034-0039]). However, Pimentel does not disclose to utilize a bearer independent protocol proving access to bearers.

In the same field of endeavor, Arques discloses to utilize bearer independent protocol proving access to bearers (see Fig. 1, 3, paragraphs [7, 8, 11] “independent protocol defined by protocols providing access to bearers such as UDP, TCP, protocol stacks that indicated for seven layers to support the SMS message in associated with WAP protocols as specify”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide of utilizing a bearer independent protocol proving access to bearers as taught by Arques to the system of Pimentel in order to allow it’s converted, or formatted a communication messages in reliable telecommunication system.

As to claim 10, Pimentel further discloses the telecommunication system according to claim 9, wherein the first system comprises a network node having functionality related to messaging services within the first system (page 3, par [0030]), the network node being configured to recognize the message sent to the

second system and forward the message to the server (page 3, par [0031-0035]).

As to claim 11, Pimentel further discloses all the limitation of claim in page 4, par. [0036-0039].

As to claim 14, Pimentel further discloses wherein the processor is configured (page 4, par [0039]), in response to receiving the message having the first structure (page 3, par [0035]), to convert the message to have a structure according to the bearer independent protocol before forwarding the message (page 4, par [0036]).

As to claim 15, Pimentel further discloses wherein the processor is configured (page 3, par [0030-0033]), in response to receiving a message having a structure according to the bearer independent protocol (page 3, par [0034]), to convert the message to have the second structure before forwarding the message (page 4, par. [0036]).

Allowable Subject Matter

4. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KINCAID LESTER can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/
10/06/08

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617